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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 SHANNON BRUCE MORLEY,
8 Plaintiff,

9 v.

10 SCOTT BAUM,
11 Defendant,

NO: 2:17-CV-0354-TOR
ORDER DISMISSING ACTION

12
13 By Order filed December 21, 2017, the Court directed Plaintiff, then a
14 prisoner at the Spokane County Jail, to show cause why he should be granted *in*
15 *forma pauperis* status. ECF No. 7. In the alternative, Plaintiff was directed to pay
16 the \$400.00 fee to commence this action as required by 28 U.S.C. § 1914.

17 Plaintiff had filed three or more prior actions which were dismissed as
18 frivolous, malicious or for failure to state a claim. *See Morley v. Thomas et al.*, 2:02-
19 CV-0310-CI; *Morley v. Spokane County Jail et al.*, 2:04-CV-5047-LRS; and *Morley*
20 *v. Department of Corrections et al.*, 2:04-CV-5092-LRS. Therefore, he lost the

1 privilege of filing additional suits *in forma pauperis* unless he could demonstrate
2 that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g);
3 *Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007). Plaintiff did not make
4 this showing.


5 Although advised of his obligation to do so, ECF No. 5, Plaintiff has not kept
6 the Court informed of his current address. Documents sent to Plaintiff have been
7 returned as undeliverable, ECF No. 6. The Court discovered Plaintiff’s address at
8 FCI Herlong, served the Order to Show Cause there, but has been informed Plaintiff
9 is no longer resident there. The Court has attempted but has been unable to locate a
10 current address for Plaintiff, and must assume Plaintiff has chosen to abandon this
11 action.

12 Therefore, **IT IS ORDERED** this action is **DISMISSED** without prejudice
13 for failure to pay the statutory filing fee to commence this action as required by 28
14 U.S.C. § 1914.

15 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
16 enter judgment, provide copies to Plaintiff at a last known address, and **close** the file.
17 The Court certifies any appeal of this dismissal would not be taken in good faith.

18 **DATED** January 30, 2018.




THOMAS O. RICE
Chief United States District Judge